

## INITIAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 80019.1(d)(3)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement Health and Safety Code (HSC) section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Community Care Licensing (CCL) facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a CCL facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner. The Department's Caregiver Background Check Bureau (CBCB) examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in CCL facilities.

Section 80019.1(d)(3)(A)

Specific Purpose:

The specific purpose is to eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.

Factual Basis:

This amendment is necessary to ensure that the Department only requires documentation that applicants can reasonably obtain in a timely manner. Historically, applicants seeking a criminal record exemption have been unable to obtain unredacted police reports in a timely manner.

Section 80019.1(d)(3)(B)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in CCL facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a CCL facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in CCL facilities.

#### Section 80019.1(d)(3)(C)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

##### Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in CCL facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a CCL facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in CCL facilities.

#### Section 80019.1(n)(2)

##### Specific Purpose:

The specific purpose is to amend the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include multiple nonviolent misdemeanor convictions arising out of the same incident.

#### Factual Basis:

This amendment is necessary to implement HSC section 1522(c)(4) which permits the Department to grant simplified exemptions. Simplified exemptions do not require the submission of documents as evidence of rehabilitation and do not involve the affected individual in any way. Simplified exemptions involve only the review of the criminal record history, therefore, specific criteria for reviewing the history must be in regulation. If an individual's history does not meet the criteria, then the individual must apply for an exemption, reviewed under the standard exemption process outlined in Sections 80019.1(d) through (l).

A Department team, that included the Director of Social Services, Deputy Director of CCL, and Chief Counsel, reviewed the existing simplified exemption guidelines and practices and determined that there is a subset of individuals whose exclusion from the simplified exemption process is not justified by any corresponding increased health and safety risk. The team devoted a great deal of time to evaluating the simplified exemption criteria and agreed that those persons convicted of nonviolent misdemeanors *arising out of a single incident* may qualify for a simplified exemption, keeping in mind that the Department retains discretion to require a standard exemption process to protect the health and safety of individuals in CCL facilities, pursuant to Section 80019.1(o).

#### Section 80019.1(n)(3)

##### Specific Purpose

The specific purpose of this addition is to make grammatical changes that describe the conviction criteria in Section 80019.1(n) as applicable to one or more convictions.

#### Factual Basis:

This amendment is necessary to accurately and consistently describe the conviction criteria considering the amendments to Section 80019.1(n)(2).

#### Section 80019.1(n)(4)

##### Specific Purpose:

The specific purpose of this amendment is to clarify that the date of conviction shall be used to calculate five years for assessing applicants' eligibility for a simplified criminal record exemption.

Factual Basis:

This amendment is necessary to accurately and consistently describe how five years shall be calculated for individuals who seek a simplified criminal record exemption, and to ensure that the Department is able to grant simplified criminal record exemptions without requiring the applicant to submit additional information. Simplified criminal record exemptions are based on the information included in the Record of Arrests and Prosecutions (RAP) Sheet provided by the California Department of Justice (DOJ). RAP Sheets do not include the date of completion of the most recent period of incarceration or supervised probation, but they do include the date of conviction.

Section 81019.1(d)(3)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Social Rehabilitation Facilities (SRF). Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in an SRF is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in SRFs.

Section 81019.1(d)(3)(A)

Specific Purpose:

The specific purpose is to eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.

Factual Basis:

This amendment is necessary to ensure that the Department only requires documentation that applicants can reasonably obtain in a timely manner. Historically, applicants seeking a criminal record exemption have been unable to obtain unredacted police reports in a timely manner.

Section 81019.1(d)(3)(B)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Social Rehabilitation facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in an SRF is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in SRFs.

#### Section 81019.1(d)(3)(C)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

##### Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in SRFs. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in an SRF is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in SRFs.

#### Section 81019.1(n)(2)

##### Specific Purpose:

The specific purpose is to amend the criteria the Department uses to grant a simplified exemption to include multiple nonviolent misdemeanor convictions arising out of the same incident.

Factual Basis:

This amendment is necessary to implement HSC section 1522(c)(4) which permits the Department to grant an exemption on its own motion. Simplified exemptions do not require the submission of documents as evidence of rehabilitation and do not involve the affected individual in any way. Simplified exemptions involve only the review of the criminal record history, therefore specific criteria for reviewing the history must be in regulation. If an individual's history does not meet the criteria, then the individual must apply for an exemption, reviewed under the standard exemption process outlined in Sections 81019.1(d) through (l).

A Department team, that included the Director of Social Services, Deputy Director of CCL, and Chief Counsel, reviewed the existing simplified exemption guidelines and practices and determined that there is a subset of individuals whose exclusion from the simplified exemption process is not justified by any corresponding increased health and safety risk. The team devoted a great deal of time to evaluating the simplified exemption criteria and agreed that those persons convicted of nonviolent misdemeanors arising out of a single incident may qualify for a simplified exemption, keeping in mind that the Department retains discretion to require a standard exemption process to protect the health and safety of individuals in SRFs, pursuant to Section 81019.1(o).

Section 81019.1(n)(3)

Specific Purpose:

The specific purpose of this addition to make grammatical changes that describe the conviction criteria in Section 81019.1(n) as applicable to one or more convictions.

Factual Basis:

This amendment is necessary to accurately and consistently describe the conviction criteria considering the proposed amendments to Section 81019.1(n)(2).

Section 81019.1(n)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify that the date of conviction shall be used to calculate five years for assessing applicants' eligibility for a simplified criminal record exemption.

Factual Basis:

This amendment is necessary to accurately and consistently describe how five years shall be calculated for individuals who seek a simplified criminal record exemption, and to ensure that the Department is able to grant simplified criminal record exemptions without requiring the applicant to submit additional information. Simplified criminal record exemptions are based on the information included in the RAP sheet provided by the DOJ. RAP sheets do not include the date of completion of the most recent period of incarceration or supervised probation, but they do include the date of conviction.

Section 82019.1(d)(3)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in CCL facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in an Adult Day Program (ADP) facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in ADP facilities.

Section 82019.1(d)(3)(A)

Specific Purpose:

The specific purpose is to eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.

Factual Basis:

This amendment is necessary to ensure that the Department only requires documentation that applicants can reasonably obtain in a timely manner. Historically, applicants seeking a criminal record exemption have been unable to obtain unredacted police reports in a timely manner.

Section 82019.1(d)(3)(B)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in ADP facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in an ADP facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner. CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in ADP facilities.

#### Section 82019.1(d)(3)(C)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

##### Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in ADP facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in an ADP facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in ADP facilities.

#### Section 82019.1(n)(2)

##### Specific Purpose:

The specific purpose is to amend the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include multiple nonviolent misdemeanor convictions arising out of the same incident.

#### Factual Basis:

This amendment is necessary to implement HSC section 1522(c)(4) which permits the Department to grant an exemption on its own motion. Simplified exemptions do not require the submission of documents as evidence of rehabilitation and do not involve the affected individual in any way. Simplified exemptions involve only the review of the criminal record history, therefore specific criteria for reviewing the history must be in regulation. If an individual's history does not meet the criteria, then the individual must apply for an exemption, reviewed under the standard exemption process outlined in Sections 82019.1(d) through (l).

A Department team, that included the Director of Social Services, Deputy Director of CCL, and Chief Counsel, reviewed the existing simplified exemption guidelines and practices, and determined that there is a subset of individuals whose exclusion from the simplified exemption process is not justified by any corresponding increased health and safety risk. The team devoted a great deal of time to evaluating the simplified exemption criteria and agreed that those persons convicted of nonviolent misdemeanors arising out of a single incident may qualify for a simplified exemption, keeping in mind that the Department retains discretion to require a standard exemption process to protect the health and safety of individuals in ADP facilities, pursuant to Section 82019.1(o).

#### Section 82019.1(n)(3)

##### Specific Purpose:

The specific purpose of this addition to make grammatical changes that describe the conviction criteria in Section 82019.1(n) as applicable to one or more convictions.

#### Factual Basis:

This amendment is necessary to accurately and consistently describe the conviction criteria considering the proposed amendments to Section 82019.1(n)(2).

#### Section 82019.1(n)(4)

##### Specific Purpose:

The specific purpose of this amendment is to clarify that the date of conviction shall be used to calculate five years for assessing applicants' eligibility for a simplified criminal record exemption.

Factual Basis:

This amendment is necessary to accurately and consistently describe how five years shall be calculated for individuals who seek a simplified criminal record exemption, and to ensure that the Department is able to grant simplified criminal record exemptions without requiring the applicant to submit additional information. Simplified criminal record exemptions are based on the information included in the RAP sheet provided by the California Department of Justice. RAP sheets do not include the date of completion of the most recent period of incarceration or supervised probation, but they do include the date of conviction.

Section 86519.1(d)(3)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Crisis Nursery (CN) facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a CN facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in CN facilities.

Section 86519.1(d)(3)(A)

Specific Purpose:

The specific purpose is to eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.

Factual Basis:

This amendment is necessary to ensure that the Department only requires documentation that applicants can reasonably obtain in a timely manner. Historically, applicants seeking a criminal record exemption have been unable to obtain unredacted police reports in a timely manner.

Section 86519.1(d)(3)(B)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in CN facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a CN facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in CN facilities.

#### Section 86519.1(d)(3)(C)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

##### Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in CN facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a CN facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in CN facilities.

#### Section 86519.1(n)(2)

##### Specific Purpose:

The specific purpose is to amend the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include multiple nonviolent misdemeanor convictions arising out of the same incident.

Factual Basis:

This amendment is necessary to implement HSC section 1522(c)(4) which permits the Department to grant an exemption on its own motion. Simplified exemptions do not require the submission of documents as evidence of rehabilitation and do not involve the affected individual in any way. Simplified exemptions involve only the review of the criminal record history, therefore specific criteria for reviewing the history must be in regulation. If an individual's history does not meet the criteria, then the individual must apply for an exemption, reviewed under the standard exemption process outlined in Sections 86519.1(d) through (l).

A Department team, that included the Director of Social Services, Deputy Director of CCL, and Chief Counsel, reviewed the existing simplified exemption guidelines and practices and determined that there is a subset of individuals whose exclusion from the simplified exemption process is not justified by any corresponding increased health and safety risk. The team devoted a great deal of time to evaluating the simplified exemption criteria and agreed that those persons convicted of nonviolent misdemeanors arising out of a single incident may qualify for a simplified exemption, keeping in mind that the Department retains discretion to require a standard exemption process to protect the health and safety of individuals in CN facilities, pursuant to Section 86519.1(o).

Section 86519.1(n)(3)

Specific Purpose:

The specific purpose of this addition is to make grammatical changes that describe the conviction criteria in Section 86519.1(n) as applicable to one or more convictions.

Factual Basis:

This amendment is necessary to accurately and consistently describe the conviction criteria considering the proposed amendments to Section 86519.1(n)(2).

Section 86519.1(n)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify that the date of conviction shall be used to calculate five years for assessing applicants' eligibility for a simplified criminal record exemption.

Factual Basis:

This amendment is necessary to accurately and consistently describe how five years shall be calculated for individuals who seek a simplified criminal record exemption, and to ensure that the Department is able to grant simplified criminal record exemptions without requiring the applicant to submit additional information. Simplified criminal record exemptions are based on the information included in the RAP sheet provided by the California Department of Justice. RAP sheets do not include the date of completion of the most recent period of incarceration or supervised probation, but they do include the date of conviction.

Section 87356(d)(3)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1569.17(f) in a timely manner. HSC section 1569.17(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Residential Care Facilities for the Elderly (RCFEs). Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a RCFE is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in RCFEs.

#### Section 87356(d)(3)(A)

##### Specific Purpose:

The specific purpose is to eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.

##### Factual Basis:

This amendment is necessary to ensure that the Department only requires documentation that applicants can reasonably obtain in a timely manner. Historically, applicants seeking a criminal record exemption have been unable to obtain unredacted police reports in a timely manner.

#### Section 87356(d)(3)(B)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

##### Factual Basis:

This amendment is necessary to implement HSC section 1569.17(f) in a timely manner. HSC 1569.17(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in RCFEs. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a RCFE is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in RCFEs.

### Section 87356(d)(3)(C)

#### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

#### Factual Basis:

This amendment is necessary to implement HSC section 1569.17(f) in a timely manner. HSC section 1569.17(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in RCFEs. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a RCFE is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in RCFEs.

### Section 87356(n)(2)

#### Specific Purpose:

The specific purpose is to amend the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include multiple nonviolent misdemeanor convictions arising out of the same incident.

Factual Basis:

This amendment is necessary to implement HSC section 1569.17(c)(4), which permits the Department to grant an exemption on its own motion. Simplified exemptions do not require the submission of documents as evidence of rehabilitation and do not involve the affected individual in any way. Simplified exemptions involve only the review of the criminal record history, therefore, specific criteria for reviewing the history must be in regulation. If an individual's history does not meet the criteria, then the individual must apply for an exemption, reviewed under the standard exemption process outlined in Sections 87356(c) through (l).

A Department team, that included the Director of Social Services, Deputy Director of CCL, and Chief Counsel, reviewed the existing simplified exemption guidelines and practices, and determined that there is a subset of individuals whose exclusion from the simplified exemption process is not justified by any corresponding increased health and safety risk. The team devoted a great deal of time to evaluating the simplified exemption criteria and agreed that those persons convicted of nonviolent misdemeanors arising out of a single incident may qualify for a simplified exemption, keeping in mind that the Department retains discretion to require a standard exemption process to protect the health and safety of individuals in RCFEs, pursuant to Section 87356(o).

Section 87356(n)(3)

Specific Purpose:

The specific purpose of this addition to make grammatical changes that describe the conviction criteria in Section 87356(n) as applicable to one or more convictions.

Factual Basis:

This amendment is necessary to accurately and consistently describe the conviction criteria considering the proposed amendments to Section 87356(n)(2).

Section 87356(n)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify that the date of conviction shall be used to calculate five years for assessing applicants' eligibility for a simplified criminal record exemption.

Factual Basis:

This amendment is necessary to accurately and consistently describe how five years shall be calculated for individuals who seek a simplified criminal record exemption, and to ensure that the Department is able to grant simplified criminal record exemptions without requiring the applicant to submit additional information. Simplified criminal record exemptions are based on the information included in the RAP sheet provided by the California Department of Justice. RAP sheets do not include the date of completion of the most recent period of incarceration or supervised probation, but they do include the date of conviction.

Section 87819.1(d)(3)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1568.09(f) in a timely manner. HSC section 1568.09(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Residential Care Facilities for the Chronically Ill (RCFCIs). Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a RCFCI is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in RCFCIs.

Section 87819.1(d)(3)(A)

Specific Purpose:

The specific purpose is to eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.

Factual Basis:

This amendment is necessary to ensure that the Department only requires documentation that applicants can reasonably obtain in a timely manner. Historically, applicants seeking a criminal record exemption have been unable to obtain unredacted police reports in a timely manner.

Section 87819.1(d)(3)(B)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1568.09(f) in a timely manner. HSC section 1568.09(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in RCFCIs. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a RCFCI is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in RCFCIs.

#### Section 87819.1(d)(3)(C)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

##### Factual Basis:

This amendment is necessary to implement HSC section 1568.09(f) in a timely manner. HSC section 1568.09(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in CCL facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a CCL facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in RCFCIs.

#### Section 87819.1(n)(2)

##### Specific Purpose:

The specific purpose is to amend the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include multiple nonviolent misdemeanor convictions arising out of the same incident.

Factual Basis:

This amendment is necessary to implement HSC section 1568.09(c)(5) which permits the Department to grant an exemption on its own motion. Simplified exemptions do not require the submission of documents as evidence of rehabilitation and do not involve the affected individual in any way. Simplified exemptions involve only the review of the criminal record history, therefore specific criteria for reviewing the history must be in regulation. If an individual's history does not meet the criteria, then the individual must apply for an exemption, reviewed under the standard exemption process outlined in Sections 87819.1(d) through (l).

A Department team, that included the Director of Social Services, Deputy Director of CCL and Chief Counsel, reviewed the existing simplified exemption guidelines and practices, and determined that there is a subset of individuals whose exclusion from the simplified exemption process is not justified by any corresponding increased health and safety risk. The team devoted a great deal of time to evaluating the simplified exemption criteria and agreed that those persons convicted of nonviolent misdemeanors arising out of a single incident may qualify for a simplified exemption, keeping in mind that the Department retains discretion to require a standard exemption process to protect the health and safety of individuals in RCFCIs, pursuant to Section 87819.1(o).

Section 87819.1(n)(3)

Specific Purpose:

The specific purpose of this addition to make grammatical changes that describe the conviction criteria in Section 87819.1(n) as applicable to one or more convictions.

Factual Basis:

This amendment is necessary to accurately and consistently describe the conviction criteria considering the proposed amendments to section 87819.1(n)(2).

Section 87819.1(n)(4)

Specific Purpose:

The specific purpose of this amendment is to clarify that the date of conviction shall be used to calculate five years for assessing applicants' eligibility for a simplified criminal record exemption.

Factual Basis:

This amendment is necessary to accurately and consistently describe how five years shall be calculated for individuals who seek a simplified criminal record exemption, and to ensure that the Department is able to grant simplified criminal record exemptions without requiring the applicant to submit additional information. Simplified criminal record exemptions are based on the information included in the RAP sheet provided by the California Department of Justice. RAP sheets do not include the date of completion of the most recent period of incarceration or supervised probation, but they do include the date of conviction.

Section 88019(a)(1)(A)

Specific Purpose:

The specific purpose of this addition is to clarify that criminal record exemptions for applicants and all adults residing in the home shall be evaluated pursuant to HSC section 1522(g)(2), rather than pursuant to California Code of Regulations (CCR) section 80019.

Factual Basis:

This addition is necessary to clarify that the foster care providers' eligibility criteria for a criminal record exemption is specified in HSC section 1522(g)(2).

Section 89219.1(j)

Specific Purpose:

The specific purpose of this addition is to clarify what is needed to request a criminal record exemption, and to clarify that the Department will notify the licensee or licensee applicant and the Foster Family Home applicant that the affected individual must obtain a criminal record exemption.

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(B), which grants the Department the authority to grant a criminal record exemption to a foster care provider if the Department has substantial and convincing evidence that the affected individual is of good character justifying a criminal record exemption.

#### Section 89219.1(j)(1)

##### Specific Purpose:

The specific purpose of this addition is to clarify that the Department will provide the affected individual a list of the conviction(s) that the individual must address when requesting a criminal record exemption.

##### Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(C), which specifies that the Department shall consider all reasonably available information related to the affected individual's criminal history. To facilitate the Department's receipt of this information, it is necessary for the Department to provide the affected individual with a list of conviction(s) about which the Department needs additional information.

#### Section 89219.1(j)(2)

##### Specific Purpose:

The specific purpose of this addition is to clarify that the Department will provide the affected individual a list of the information that the individual must submit when requesting a criminal record exemption.

##### Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(C), which specifies that the Department shall consider all reasonably available information related to the affected individual's criminal history. To facilitate the Department's receipt of this information, it is necessary for the Department to provide the affected individual with a list of information that the Department requests to process their request for a criminal record exemption.

#### Section 89219.1(j)(3)

##### Specific Purpose:

The specific purpose of this addition is to clarify that the individual requesting the criminal record exemption must submit the requested information within 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1522(g)(2)(B) in a timely manner. HSC section 1522(g)(2)(B) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in foster care. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment as a foster care provider is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is therefore necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility as a foster care provider.

Section 89219.1(j)(3)(A)

Specific Purpose:

The specific purpose of this addition is to clarify that individuals seeking a criminal record exemption must provide the Department with the information related to their criminal histories upon request.

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(C), which specifies that the Department shall consider all reasonably available information related to the affected individual's criminal history.

Section 89219.1(j)(3)(B)

Specific Purpose:

The specific purpose of this addition is to clarify that the affected individual shall not be eligible for a criminal record exemption if the Department does not receive the requested information within 30 calendar days.

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(C), which specifies that the Department shall consider all reasonably available information related to the affected individual's criminal history, and to implement HSC section 1522(g)(2)(B) in a timely manner. HSC section 1522(g)(2)(B) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in foster care.

Section 89219.1(j)(3)(C)

Specific Purpose:

The specific purpose of this addition is to clarify that the affected individual shall not be eligible for a criminal record exemption if the Department does not receive the requested information within 30 calendar days.

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(C), which specifies that the Department shall consider all reasonably available information related to the affected individual's criminal history, and to implement HSC section 1522(g)(2)(B) in a timely manner. HSC section 1522(g)(2)(B) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in foster care.

Section 89219.1(j)(3)(D)

Specific Purpose:

The specific purpose of this addition is to clarify that individuals may request a criminal record exemption on their own behalf if certain conditions are met.

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(B), which authorizes the Department to grant a criminal record exemption to foster care provider applicants. Statute does not specify that the affected individual's request for a criminal record exemption must be submitted in concert with a Foster Family Agency (FFA) licensee.

Section 89219.1(j)(3)(D)1. Through (D)2.

Specific Purpose:

The specific purpose of this addition is to specify the circumstances under which individuals may request a criminal record exemption on their own behalf.

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(B), which authorizes the Department to grant a criminal record exemption to foster care provider applicants. Statute does not specify that the affected individual's request for a criminal record exemption must be submitted in concert with an FFA licensee.

Section 89219.1(k)

Specific Purpose:

The specific purpose of this addition is to clarify that the Department shall grant a simplified criminal record exemption if the individual's criminal history meets certain conditions.

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(D), which grants the Department the authority to grant a criminal record to foster care provider applicants, if the person's criminal history satisfies the criteria listed in HSC section 1522(g)(2)(D).

Section 89219.1(k)(1)

Specific Purpose:

The specific purpose of this addition is to specify the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include that the individual does not have a misdemeanor conviction within the last five years.

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(D), which grants the Department the authority to grant a criminal record to foster care provider applicants, if the person's criminal history satisfies the criteria listed in HSC section 1522(g)(2)(D).

Section 89219.1(k)(2)

Specific Purpose:

The specific purpose is to specify the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include that the individual does not have a felony conviction within the last seven years.

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(D), which grants the Department the authority to grant a criminal record to foster care provider applicants, if the person's criminal history satisfies the criteria listed in HSC section 1522(g)(2)(D).

Section 89219.1(k)(3)

Specific Purpose:

The specific purpose is to specify the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include that the individual has not been convicted of a crime described in HSC sections 1522(g)(2)(A) or (g)(2)(B).

Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(D), which grants the Department the authority to grant a criminal record to foster care provider applicants, if the person's criminal history satisfies the criteria listed in HSC section 1522(g)(2)(D).

#### Section 89219.1(k)(4)

##### Specific Purpose:

The specific purpose is to specify the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include that the individual's criminal history does not indicate a risk or threat to the health and safety, protection, or well-being of a child or nonminor dependent.

##### Factual Basis:

This addition is necessary to implement HSC section 1522(g)(2)(D), which grants the Department the authority to grant a criminal record to foster care provider applicants, if the person's criminal history satisfies the criteria listed in HSC section 1522(g)(2)(D).

#### Section 89219.1(l)

##### Specific Purpose:

The specific purpose is to specify that the Department may require an individual who is otherwise eligible for a simplified criminal record exemption to go through the standard exemption process to protect the health and safety of children and nonminor dependents.

##### Factual Basis:

This amendment is necessary to implement HSC section 1522(g)(2)(D)(ii), which authorizes the Department to require an individual who is otherwise eligible for a simplified criminal record exemption to go through the standard criminal record exemption process, if doing so would better protect the health and safety of a child or non-minor dependent.

#### Section 101170.1(d)(3)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

#### Factual Basis:

This amendment is necessary to implement HSC section 1596.871(f) in a timely manner. HSC section 1596.871(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Child Care facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a Child Care facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in Child Care facilities.

#### Section 101170.1(d)(3)(A)

##### Specific Purpose:

The specific purpose is to eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.

#### Factual Basis:

This amendment is necessary to ensure that the Department only requires documentation that applicants can reasonably obtain in a timely manner. Historically, applicants seeking a criminal record exemption have been unable to obtain unredacted police reports in a timely manner.

#### Section 101170.1(d)(3)(B)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

#### Factual Basis:

This amendment is necessary to implement HSC section 1596.871(f) in a timely manner. HSC section 1596.871(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Child Care facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a Child Care facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in Child Care facilities.

#### Section 101170.1(d)(3)(C)

#### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

#### Factual Basis:

This amendment is necessary to implement HSC section 1596.871(f) in a timely manner. HSC section 1596.871(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Child Care facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a Child Care facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in Child Care facilities.

#### Section 101170.1(n)(2)

##### Specific Purpose:

The specific purpose is to amend the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include multiple nonviolent misdemeanor convictions arising out of the same incident.

##### Factual Basis:

This amendment is necessary to implement HSC section 1596.871(c)(3), which permits the Department to grant an exemption on its own motion. Simplified exemptions do not require the submission of documents as evidence of rehabilitation and do not involve the affected individual in any way. Simplified exemptions involve only the review of the criminal record history; therefore, specific criteria for reviewing the history must be in regulation. If an individual's history does not meet the criteria, then the individual must apply for an exemption, reviewed under the standard exemption process outlined in Sections 101170.1(d) through (l).

A Department team, that included the Director of Social Services, Deputy Director of CCL and Chief Counsel, reviewed the existing simplified exemption guidelines and practices, and determined that there is a subset of individuals whose exclusion from the simplified exemption process is not justified by any corresponding increased health and safety risk. The team devoted a great deal of time to evaluating the simplified exemption criteria and agreed that those persons convicted of nonviolent misdemeanors arising out of a single incident may qualify for a simplified exemption, keeping in mind that the Department retains discretion to require a standard exemption process to protect the health and safety of individuals in Child Care facilities, pursuant to Section 101170.1(o).

### Section 101170.1(n)(3)

#### Specific Purpose:

The specific purpose of this addition to make grammatical changes that describe the conviction criteria in Section 101170.1(n) as applicable to one or more convictions.

#### Factual Basis:

This amendment is necessary to accurately and consistently describe the conviction criteria considering the proposed amendments to Section 101170.1(n)(2).

### Section 101170.1(n)(4)

#### Specific Purpose:

The specific purpose of this amendment is to clarify that the date of conviction shall be used to calculate five years for assessing applicants' eligibility for a simplified criminal record exemption.

#### Factual Basis:

This amendment is necessary to accurately and consistently describe how five years shall be calculated for individuals who seek a simplified criminal record exemption, and to ensure that the Department is able to grant simplified criminal record exemptions without requiring the applicant to submit additional information. Simplified criminal record exemptions are based on the information included in the RAP sheet provided by the California Department of Justice. RAP sheets do not include the date of completion of the most recent period of incarceration or supervised probation, but they do include the date of conviction.

### Section 102370.1(d)(3)

#### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

Factual Basis:

This amendment is necessary to implement HSC section 1596.871(f) in a timely manner. HSC section 1596.871(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in Family Child Care Home (FCCH) facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a FCCH facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in FCCH facilities.

Section 102370.1(d)(3)(A)

Specific Purpose:

The specific purpose is to eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.

Factual Basis:

This amendment is necessary to ensure that the Department only requires documentation that applicants can reasonably obtain in a timely manner. Historically, applicants seeking a criminal record exemption have been unable to obtain unredacted police reports in a timely manner.

Section 102370.1(d)(3)(B)

Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

#### Factual Basis:

This amendment is necessary to implement HSC section 1596.871(f) in a timely manner. HSC section 1596.871(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in FCCH facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a FCCH facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in FCCH facilities.

#### Section 102370.1(d)(3)(C)

#### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

#### Factual Basis:

This amendment is necessary to implement HSC section 1596.871(f) in a timely manner. HSC section 1596.871(f) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of individuals in FCCH facilities. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for employment in a FCCH facility is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's employment eligibility in FCCH facilities.

#### Section 102370.1(l)(2)

##### Specific Purpose:

The specific purpose is to amend the criteria the Department uses to grant a criminal record exemption on its own motion, referred to as a simplified exemption, to include multiple nonviolent misdemeanor convictions arising out of the same incident.

##### Factual Basis:

This amendment is necessary to implement HSC section 1596.871(c)(3), which permits the Department to grant an exemption on its own motion. Simplified exemptions do not require the submission of documents as evidence of rehabilitation and do not involve the affected individual in any way. Simplified exemptions involve only the review of the criminal record history; therefore, specific criteria for reviewing the history must be in regulation. If an individual's history does not meet the criteria, then the individual must apply for an exemption reviewed under the standard exemption process outlined in Sections 102370.1(d) through (j).

A Department team, that included the Director of Social Services, Deputy Director of CCL and Chief Counsel, reviewed the existing simplified exemption guidelines and practices, and determined that there is a subset of individuals whose exclusion from the simplified exemption process is not justified by any corresponding increased health and safety risk. The team devoted a great deal of time to evaluating the simplified exemption criteria and agreed that those persons convicted of nonviolent misdemeanors arising out of a single incident may qualify for a simplified exemption, keeping in mind that the Department retains discretion to require a standard exemption process to protect the health and safety of individuals in FCCH facilities, pursuant to Section 102370.1(m).

#### Section 102370.1(l)(3)

##### Specific Purpose:

The specific purpose of this addition to make grammatical changes that describe the conviction criteria in Section 102370.1(l) as applicable to one or more convictions.

##### Factual Basis:

This amendment is necessary to accurately and consistently describe the conviction criteria considering the proposed amendments to Section 102370.1(l)(2).

#### Section 102370.1(l)(4)

##### Specific Purpose:

The specific purpose of this amendment is to clarify that the date of conviction shall be used to calculate five years for assessing applicants' eligibility for a simplified criminal record exemption.

##### Factual Basis:

This amendment is necessary to accurately and consistently describe how five years shall be calculated for individuals who seek a simplified criminal record exemption, and to ensure that the Department is able to grant simplified criminal record exemptions without requiring the applicant to submit additional information. Simplified criminal record exemptions are based on the information included in the RAP sheet provided by the California Department of Justice. RAP sheets do not include the date of completion of the most recent period of incarceration or supervised probation, but they do include the date of conviction.

#### Section 130110(c)(3)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

#### Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1796.19 incorporates by reference the criminal records check standards established in HSC section 1522. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of Home Care Services consumers. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for inclusion in the Home Care Aide Registry is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's eligibility for inclusion in the Home Care Aide Registry.

#### Section 130110(c)(3)(A)

#### Specific Purpose:

The specific purpose is to eliminate the requirement for applicants seeking a criminal record exemption to submit police reports.

#### Factual Basis:

This amendment is necessary to ensure that the Department only requires documentation that applicants can reasonably obtain in a timely manner. Historically, applicants seeking a criminal record exemption have been unable to obtain unredacted police reports in a timely manner.

#### Section 130110(c)(3)(B)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

##### Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1796.19 incorporates by reference the criminal records check standards established in HSC section 1522. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of Home Care Services consumers. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for inclusion in the Home Care Aide Registry is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's eligibility for inclusion in the Home Care Aide Registry.

#### Section 130110(c)(3)(C)

##### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

### Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1796.19 incorporates by reference the criminal records check standards established in HSC section 1522. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of Home Care Services consumers. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for inclusion in the Home Care Aide Registry is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

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### Section 130110(c)(3)(D)

#### Specific Purpose:

The specific purpose is to change the number of days that an individual must respond to the Department's notice that the individual may request a criminal record exemption from 45 days to 30 calendar days.

#### Factual Basis:

This amendment is necessary to implement HSC section 1522(g) in a timely manner. HSC section 1796.19 incorporates by reference the criminal records check standards established in HSC section 1522. HSC section 1522(g) permits the Department to grant an exemption if the Department has "substantial and convincing evidence" that the individual does not pose an excessive risk to the health and safety of Home Care Services consumers. Individuals who seek a criminal record exemption and who are ineligible for a simplified criminal record exemption must supply the Department with information regarding their convictions and rehabilitation. The individual's eligibility for inclusion in the Home Care Aide Registry is contingent upon the Department's decision regarding the individual's eligibility for a criminal record exemption. It is, therefore, necessary to render criminal record exemption decisions in a timely manner.

CBCB examined its processes and timelines to identify opportunities to expedite the process without unduly infringing upon the rights of the applicants and without hindering CBCB's decision-making ability. CBCB identified the 45-day timeframe as excessive given the kind of information that is typically requested. CBCB considered various timeframes and recommends a 30-calendar day timeframe because it provides the individual enough time to respond, and it reduces the amount of time ultimately required for CBCB to render a decision affecting the individual's eligibility for inclusion in the Home Care Aide Registry.

#### Section 130110(m)(3)

##### Specific Purpose:

The specific purpose of this addition to make grammatical changes that describe the conviction criteria in Section 130110(m) as applicable to one or more convictions.

#### Factual Basis:

This amendment is necessary to accurately and consistently describe the conviction criteria considering the contents of Section 130110(m)(2).

#### Section 130110(m)(4)

##### Specific Purpose:

The specific purpose of this amendment is to clarify that the date of conviction shall be used to calculate five years for assessing applicants' eligibility for a simplified criminal record exemption.

### Factual Basis:

This amendment is necessary to accurately and consistently describe how five years shall be calculated for individuals who seek a simplified criminal record exemption, and to ensure that the Department is able to grant simplified criminal record exemptions without requiring the applicant to submit additional information. Simplified criminal record exemptions are based on the information included in the RAP sheet provided by the California Department of Justice. RAP sheets do not include the date of completion of the most recent period of incarceration or supervised probation, but they do include the date of conviction.

#### b) Identification of Documents Upon Which Department Is Relying

HSC section 1530  
HSC section 1522  
HSC section 1568.072  
HSC section 1568.09  
HSC section 1569.30  
HSC section 1569.17  
HSC section 1596.81  
HSC section 1596.871  
HSC section 1796.63  
HSC section 1796.19

#### c) Local Mandate Statement

These regulations do not impose a mandate upon local agencies or school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

#### d) Statement of Alternatives Considered

In developing the regulatory action, the Department considered the following alternatives with the following results:

Alternative #1: Apply new standards without a regulatory change.

Result: This alternative may result in an unenforceable "underground regulation" by adopting rule a general application without complying with the rulemaking processes required by the Administrative Procedures Act.

Alternative #2: Status quo.

Result: This alternative would result in the Department continuing to require applicants whose criminal histories suggest they pose a minimal threat to the health and safety of individuals in CCL facilities to undergo the standard criminal record exemption process, which inhibits the Department's ability to render criminal record exemption decisions in a timely manner, and which would be an inefficient use of the Department's resources. Additionally, this alternative would result in continued unnecessary delays in the criminal record exemption process, due to an excessively long period during which applicants can submit information relevant to their criminal records and rehabilitation.

Alternative #3: Broader criteria for a simplified criminal record exemption, including criteria that would allow for individuals with convictions arising from multiple incidents of criminal conduct.

Result: This alternative would result in the Department granting criminal record exemptions to individuals who may pose an excessive risk to the health and safety of individuals in CCL facilities. The Department therefore decided that it was appropriate to continue to require individuals, whose criminal histories do not match the proposed simplified criminal record exemption criteria, to continue to go through the standard criminal record exemption process so that the Department may evaluate these individuals on a case-by-case basis.

Alternative #4: 15-day response window for applicants to send information related to their criminal records and rehabilitation.

Result: This alternative would result in the Department placing an unduly burdensome requirement upon individuals seeking a criminal record exemption. A 15-day response window is not enough for applicants to submit the necessary information.

e) Statement of Significant Adverse Economic Impact on Business

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact the proposed regulatory changes will expedite the criminal record exemption process, which will allow individuals who have criminal histories but who do not pose an excessive threat to the health and safety of individuals in CCL facilities to begin working in or being regularly present in CCL facilities. Expedited employment eligibility determinations for a subset of the CCL facility workforce will have a small, but positive economic impact on California businesses and California's economy.

f) Economic Impact Assessment [Government Code section 11346.3(b)]

In accordance with GC section 11346.3(b), CDSS has made the following assessments regarding the proposed regulations. This analysis is intended to be a tool or baseline to establish that these regulatory measures are the most cost-effective to affected California enterprises and equally effective in implementing the statutory policy or other provision of law.

The Department is amending the regulations to expand the opportunity to receive a simplified criminal record exemption to individuals whose criminal histories suggest that they do not pose an excessive threat to the health and safety of individuals in CCL facilities, and to expedite the standard criminal record exemption process by requiring individuals to submit requested information within 30 days rather than within 45 days. These changes will result in the Department rendering decisions regarding criminal record exemptions, which is directly tied to employment eligibility in CCL facilities, in a timelier manner.

***Creation or Elimination of Jobs Within the State of California***

The adoption of the proposed regulations will neither create nor eliminate jobs in the State of California. The regulations will allow individuals with limited criminal histories to become eligible for employment in a CCL facility sooner, but the regulations do not affect the number of jobs available within California.

***Creation of New or Elimination of Existing Businesses Within the State of California***

The adoption of the proposed regulations will neither result in the creation of new businesses nor elimination of existing businesses in the State of California. The regulations will allow individuals with limited criminal histories to become eligible for employment in a CCL facility sooner, but the regulations do not affect the number of businesses within California.

***Expansion of Businesses Within the State of California***

The adoption of the proposed regulations will not directly result in the expansion of businesses in the State of California. The regulations will allow individuals with limited criminal histories to become eligible for employment in a CCL facility sooner, but the regulations do not directly affect the expansion of businesses within California. However, the regulations will allow businesses to hire a subset of potential employees more quickly, which may have a small positive impact on Community Care Licensees business operations. This small positive impact may indirectly lead to the expansion of CCL facilities as licensees find it easier to fill positions more quickly.

***Benefits of the Regulations***

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: The

Department will render decisions regarding applicants' eligibility for criminal record exemptions more quickly, which will allow applicants to begin working sooner.

Expanded economic opportunity to individuals whose criminal histories suggest they do not pose an excessive threat to individuals in CCL facilities.

CCL facility licensees will be able to fill vacant positions more quickly, when the licensee intends to hire an individual with a limited criminal history.

The proposed regulations have no detrimental impact to California's environment.

The proposed regulations may have a small, but positive impact on the recidivism rate within California, because the ability for an individual with a criminal history to find employment is very strongly correlated with a decreased chance of recidivism. Although the proposed regulations generally do not affect the outcome of the criminal record exemption decision, the proposed regulations expedite the Department's decision-making process, which in turn will allow the affected individuals to begin working more quickly in CCL facilities.

g) Benefits Anticipated from Regulatory Action

This regulation action has the potential to decrease processing time for some criminal record exemption cases, which may in turn allow prospective licensed facility employees, Home Care Aides, and some foster care providers to start working sooner.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.